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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,408	04/24/2001	Nick Merz	APL1P202/P2625	9091

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EXAMINER

LEA EDMONDS, LISA S

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/842,408	MERZ ET AL.
	Examiner	Art Unit
	Lisa Lea-Edmonds	2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 25-36 and 60-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 25-29, 31-36, 60, 63-68, and 70-73 is/are rejected.
- 7) Claim(s) 30, 61, 62, 69 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 February 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The use of the trademark MYLAR has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 63 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 63, applicant is directed to MPEP section 608.01(v), and section 2173.05 (u).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-28, 31-36, 60, 65-68, 70, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima (5715139) in view of Shih (6509981). With respect to claims 25-28, 32-36, 60, 65-68, 70, and 73, the apparatus of Nakajima teaches a portable computer (1) comprising a base (2) having casing (4, 5, 6) and a chassis (70) wherein the casing (4, 5, 6) is

configured to house various components that provide computing operations for the portable computer (1) and the chassis (70) includes a plurality of ribs (74a, 74b, 75, 76) wherein at least one of the ribs (74a, 74b, 75, 76) forms a wall of the enclosed region and is configured to support the casing (4, 5, 6), the casing (4,5,6) and chassis (70) has interior portions that define an enclosed region inside the base (2); shield plates (78, 100, 101); and a disk drive (50) as claimed (see for example figures 1-47 with focus on figures 11-19 and column 6 line 39 through column 30 line 25). However, the apparatus of Nakajima lacks a clear teaching of an enclosureless optical disc drive and the internal portions of the casing and chassis that form the enclosed region being configured to shield electronic emissions therein as claimed. The apparatus of Shih is relied upon for it's teaching of an enclosureless optical disc drive (3) having drive components and frame components configured to support the drive components and an internal portions (2) of the casing and chassis that form the enclosed region being configured to shield electronic emissions therein, as claimed (see for example figures 1-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Shih into the apparatus of Nakajima as providing a user with a lighter disk drive system is mere routine in the art and would be considered a design choice. The apparatus of Nakajima as modified by Shih teaches the casing (4, 5, 6) and chassis (70) include a top wall for enclosing a top portion of the enclosureless optical disc drive (3), a bottom wall for enclosing a bottom portion of the enclosureless optical disc drive (3), a front wall for enclosing a front portion of the enclosureless optical disc drive (3), a first side wall for enclosing a first side portion of the enclosureless optical disc drive (3), a second side wall for enclosing a second side portion of the enclosureless optical disc drive (3), and a back wall for enclosing a back portion of the enclosureless optical disc drive (3); wherein the internal portions of the casing (4, 5, 6) and chassis (70) that form the enclosed region are configured to shield electronic emissions therein;

wherein the chassis (70) is disposed within the portable computer enclosure; wherein the enclosed region shields the enclosureless optical disc drive from dust; wherein the enclosed region shields laser emissions; and wherein the optical disk drive is a CD/DVD drive as claimed. With respect to claim 36, it would have been obvious to one skilled in the art to select a slot loaded CD/DVD drive as the apparatus of Nakajima has a slot (54) for loading a disk therein. One skilled in the art would not be motivated to destroy the slot structure of Nakajima to provide the portable computer (1) with a tray loaded CD/DVD drive.

6. Claims 29, 64, 71 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima as modified by Shih as applied to the claims above, and further in view of Chee et al. (6324054). With respect to claims 29, 64, 71 and 72, the apparatus of Nakajima as modified by Shih teaches the claimed invention as set forth above. However, Nakajima as modified by Shih lacks a clear teaching of a thin flexible boot as claimed. The apparatus of Chee et al. is relied upon for its teaching of a thin flexible boot (300) as claimed (see for example figures 3, 4, and 8-15). It would have been obvious to one having ordinary skill in the art to incorporate the teachings of Chee et al. into the apparatus of Nakajima as modified by Shih to provide the disk drive with shock absorbers.

7. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima as modified by Shih as applied to the claims above, and further in view of Chee et al. (6324054). With respect to claim 63, the apparatus of Nakajima in view of Shih further in view of Chee et al. teaches the claimed invention as set forth above. However, Nakajima in view of Shih further in view of Chee et al. lacks a clear teaching of a thin flexible boot being MYLAR as claimed. It would have been obvious to one skilled in the art to use MYLAR, since applicant has not disclosed that MYLAR solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with MYLAR.

Allowable Subject Matter

8. Claims 30, 61, 62, and 69 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: as to claims 30, 61, and 62, patentability resides, at least in part, in the frame component including a bottom plate, a top plate, and a plurality of structural arms extending therebetween, in combinations with the other limitations of the claims; as to claim 69, patentability resides, at least in part, in the top cover including an extension for blocking laser light from emanating outside the optical drive, in combinations with the other limitations of the claims.

Response to Arguments

10. Applicant's arguments with respect to claims 25-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the use of MYLAR as a covering in LaPointe et al. (5237486) and Anderson (6424338).

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 703-305-0265. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1782.

Lisa Lea-Edmonds
Examiner
Art Unit 2835

July 2, 2003

